

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:05CV460-MU**

LUCILLE SMITH,)	
)	
Plaintiff,)	
)	
v.)	
)	
CHRISTOPHER CAPPS, Individually and Officially, AMY JAMES, and KEVIN JAMES, Individually and Officially,)	ORDER
)	
)	
Defendants.)	
)	

THIS MATTER is before the court upon a Complaint filed by Plaintiff pro se. Defendants Christopher Capps and Kevin James have filed separate motions to dismiss this action pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure seeking dismissal of the Complaint for failure to state a claim on which relief can be granted.

It appears that these Defendants may be entitled to a dismissal in this action as a matter of law. Plaintiff has responded to both motions by asserting a desire to have an attorney appointed for her. As this is a civil matter, Plaintiff has no right to an attorney, and therefore, the Court will not appoint one.

Therefore, the Plaintiff is directed to file a response as described below:

TO THE PLAINTIFF, LUCILLE SMITH, READ THE FOLLOWING VERY CAREFULLY:

You are to file a brief written argument opposing each of the Defendants' briefs supporting the Motion to Dismiss. This argument must respond to the substantive arguments in Defendants' motions.

Within twenty days of the date of entry of this Order, the Plaintiff must submit the brief or request an extension of the deadline.

You are hereby advised that you have twenty (20) days from the filing of this Order in which to file your response to the Motions to Dismiss. If you fail to respond to these motions, either separately or in a single response, the court will proceed to decide the matter. A copy of the response must be served on the Defendants and a certificate of service must be filed with the court showing that a copy has been sent to counsel for the Defendants.

IT IS THEREFORE ORDERED that Plaintiff has twenty (20) days from the filing of this Order in which to respond to Defendants' Motion to Dismiss.

The Clerk is directed to certify copies of this Order to Plaintiff and counsel for Defendants. The Clerk is specifically directed to send Plaintiff's copy by **certified mail, return receipt requested**.

Signed: March 20, 2006

A handwritten signature in black ink, appearing to read "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

